

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
November 4, 2015**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Present		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the October 7, 2015 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Bob Cook seconded it. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Glen and Judy Englert (as petitioners) and Dennis and Dorothy Hautsch (as owners) for a special exception to allow a medical clinic in an R-2 (Residential) zone

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Glen and Judy Englert requesting a special exception to allow a medical clinic to be constructed on a vacant lot located along the east side of St. Charles Street, north of Truman Road. Judy Englert was also present. The property, currently owned by Dennis and Dorothy Hautsch, sits northwest of Dr. Jason Stubbs' ear, nose and throat medical clinic at 251 S. Truman Road. A line of trees separates the land from St. Charles Street.

The Englerts have a purchase agreement to buy the property contingent upon approval from the board to allow the clinic. Plans are to build an eye-care facility with a drop-off canopy that would not exceed 7,000 square feet in size. It would include a garage in the back for

employee parking. There would be a customer parking lot on the south side of the property with access from St. Charles Street.

Brian Seifert, of 206 Gardenia Lane, told the board he was not opposed to the new facility as long as the building aesthetically fits into the neighborhood.

Following some discussion, Bob Cook made a motion to close the public hearing. Vice Chairman Josh Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a special exception to allow a medical clinic in an R-2 (Residential) zone at the above mentioned location. Randy Mehringer seconded it. Motion carried 5-0.

Petition of Glen and Judy Englert (as petitioners) and Dennis and Dorothy Hautch (as owners) for a variance from Section 16.035.060 (Business & Industrial Zoning Sign Standards) to allow a monument sign in an R-2 (Residential) zone and to allow a building sign in an R-2 (Residential) zone

Brad Eckerle, of Brosmer Land Surveying, was present on behalf of Glen and Judy Englert requesting a variance from Section 16.035.060 of the zoning ordinance to allow a monument sign and a building sign in an R-2 (Residential) zone for a potential medical clinic to be constructed on a vacant lot located along the east side of St. Charles Street, north of Truman Road. Judy Englert was also present. The property, currently owned by Dennis and Dorothy Hautsch, sits northwest of Dr. Jason Stubbs' ear, nose and throat medical clinic at 251 S. Truman Road. A line of trees separates the land from St. Charles Street.

Mr. Eckerle displayed a rendition of the proposed signs. The attached sign would be located on the front of the building. The monument sign would be located near the parking lot's entrance.

Some discussion followed. With no remonstrators present, Vice Chairman Gunselman made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Vice Chairman Gunselman made a motion to grant a variance to allow a monument sign and a building sign in an R-2 (Residential) zone as presented. Bob Cook seconded it. Motion carried 5-0.

Petition of Charles and Gloria Bueltel for a variance from Section 16.02.140 (Height Regulations) for a proposed accessory building

Charles and Gloria Bueltel, of 1825 W. Schuetter Road, were present to request a variance to construct a detached garage at their property with a height of 19 feet 5 inches. The Bueltel's plan to use the garage for storing their camper along with other personal items.

There were no remonstrators present. Following some discussion, Secretary Buck made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Secretary Buck made a motion to grant a variance to construct a detached garage with a height not to exceed 19 feet 5 inches. Bob Cook seconded it. Motion carried 5-0.

Petition of Don Sternberg for a variance to allow a residential accessory addition as a non-conforming use in an I-1 (Light Industrial) zone

Don Sternberg, of 1230 W. Division Road, was present to request a variance to allow an addition onto his existing garage. Mr. Sternberg plans to add a 10ft. x 20ft. lean-to structure on the north end of the garage to store lawn equipment. Since the property is located in an I-1 (Light Industrial) zoned area, a variance is required to allow a residential accessory addition as a non-conforming use.

There were no remonstrators present. Following some discussion, Randy Mehringer made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance to allow a residential accessory addition as a non-conforming use in an I-1 (Light Industrial) zone. Bob Cook seconded it. Motion carried 5-0.

Petition of 3 PEPLS Properties, LLC (as owners) for a variance from the general regulations of Section 16.02.110 (Permitted Uses) to allow Personal & Professional Services within an I-2 (Heavy Industrial) District

Calvin Cash, of Cash Waggner & Associates, appeared before the board on behalf of 3 PEPLS Properties, LLC, to request a variance to allow personal and professional offices to be located at 402 E. 13th Street. Mr. Cash explained that the company renovated 13,000 square feet of the I-2 (Heavy Industrial) zoned property and would like to rent some of the space to other tenants. The company is currently renting space to an insurance company and a hair salon because it was under the impression that the new Unified Development Ordinance was already in effect, which was previously mentioned that the area where the building is located would also allow business zoning. However, the ordinance is still under review.

Discussion followed. Board members shared some concerns regarding parking and additional tenants. Mr. Cash said there are approximately 10 more office spaces available to rent and displayed a sketch which showed there is ample parking. Board members also agreed that any new tenants should be approved by a variance request if the new ordinance is not in effect at that time.

There were no remonstrators present. Following more discussion, Secretary Buck made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Secretary Buck made a motion to grant a variance to allow the current tenants, operating as personal and professional offices. Any additional tenants would need to be requested by a variance. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Petition of Pike Legal Group, PLLC, for a variance from Section 16.02.120(7) (Lot & Yard Requirements) and a variance from Section 16.02.130 (Setback Requirements) and a

variance from Section 16.02.140 (Height Regulations) to construct a new wireless communications facility

Attorney David Pike, President of Pike Legal Group, appeared before the board, on behalf of Verizon Telecommunications, as petitioners, requesting a variance to erect a 199-foot wireless communications tower to be located on the DC Broadcasting property at 458 Third Avenue. Attorney Pike presented a power point presentation that included the history of the current tower and the proposed location of the new mono-pole, which will replace the old tower. There are plans to build a 9-foot high structure to house radio equipment and also a 6-foot fence to act as a barrier with one foot of barbed wire to be placed on top as a safety precaution.

Discussion followed. Some neighbors shared their opinions regarding the proposed communications tower and fence. Those present who spoke before the board were Lawrence Persohn, Gary Stemle and Dale Frick. Frick and Stemle stated concerns of water run-off, a depreciation of their properties and that the barbed wire on top of the fence would be a safety hazard with the children in the neighborhood. Attorney Pike said there would be no additional water run-off and, after discussing the fence issue, said he would keep the barbed wire off of the fence.

Although some of Mr. Persohn's concerns were of radiation coming off the tower, Attorney Kabrick told him federal law states that the board is not allowed to take testimony about health matters concerning towers.

With no more discussion, Secretary Buck made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Secretary Buck made a motion to grant a variance from Section 16.02.140 (Height Regulations) to erect a tower not to exceed 199 feet in height as presented. Bob Cook seconded it.

Secretary Buck made a motion to grant a variance from Section 16.02.120(7) (Lot & Yard Requirements) with the stipulation that the fence be 6 feet tall without barbwire and protected by landscaping on the south and east sides of the fence. Randy Mehringer seconded it. Motion carried 5-0.

Secretary Buck made a motion to grant a variance from Section 16.02.130 (Setback Requirements) as presented and also to include a commitment to add landscaping on the south side and the east side of the fence. Bob Cook seconded it. Motion carried 5-0.

Petition of Jasper Rifle and Gun Club for a variance from Section 16.03.110(1) (Non-Conforming Uses of Land and Structures) to build safety berms and backstops and to relocate firing lines

Steve Haggh, Secretary of Jasper Rifle and Gun Club, was present to request a variance to build safety berms and backstops and to relocate firing lines at the Gun Club located at 2188 Gun Club Road. John Hochgesang, President of the club and Kevin Haas, Treasurer, were also present. An aerial view of the property was displayed showing the potential placement of the

proposed changes. The request is the first phase of projects the club intends to do to for additional safety around the property.

City Attorney Kabrick read a lengthy letter addressed to the board from Darren and Dr. Ann Patterson. The Pattersons, who own property adjacent to the Gun Club, stated several concerns. In the letter, it was suggested that the board carefully evaluate the safety level of the current range operation as they believe the current level of safety at the range is very low and unacceptable.

Attorney Kabrick explained that the Pattersons are in litigation against the club and that the Board of Zoning Appeals is named as a defendant in the lawsuit because of a shelter that was constructed without the board's approval.

Following some discussion, Bob Cook made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 5-0.

Vice Chairman Gunselman made a motion to grant a variance from Section 16.03.110(1) (Non-Conforming Uses of Land and Structures) to build safety berms and backstops and to relocate firing lines as presented at 2188 E. Gun Club Road. Secretary Buck seconded it. Motion carried 5-0.

PUBLIC BUSINESS

Status of Patterson / Gun Club Litigation

City Attorney Kabrick gave a brief update of the litigation between Darren and Dr. Ann Patterson and the Jasper Rifle and Gun Club stating that party depositions are scheduled for November 12 and a settlement conference on December 15, 2015. Attorney Kabrick said she hopes to have an update on the settlement conference by the December 2nd Board of Zoning Appeals meeting.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting. It was seconded by Secretary Buck. Motion carried 5-0, and the meeting was adjourned at 9:10 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister